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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.

LUIS MELENDEZ,  
  
Defendants.

CASE NO. 1:24-CR-000273-KES-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
AND ORDER

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through her counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on June 11, 2025.
2. By this stipulation, defendant now moves to continue the status conference to October 8, 2025, and to exclude time between June 11, 2025, and October 8, 2025, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government provided initial discovery to the defense on December 10, 2024. The discovery generally consisted of law enforcement reports, bodycam footage, photographs and medical records. As investigation was ongoing, the Government provided additional

1 discovery to defense counsel. The government is also in the process of obtaining additional  
2 medical records from medical facilities related to the victim's ongoing medical care related to  
3 her injuries from the assault.

4 b) At the status conference on March 12, 2025, the defendant requested, and the  
5 Court granted, a competency evaluation pursuant to 18 U.S.C. Section 4241. The parties received  
6 the sealed psychological evaluation on May 27, 2025. The defense counsel requires additional  
7 time to review it, analyze it, and discuss it with her client.

8 c) The parties have not been able to engage in plea negotiations due the pending  
9 competency evaluation. The parties also require additional time to discuss potential resolution of  
10 this case via a plea agreement.

11 d) Finally, Defense counsel is continuing to investigate the case. Defense counsel  
12 requests additional time to conduct her own independent investigation.

13 e) The defendant asks the Court to exclude time between June 11, 2025, and October  
14 8, 2025, to account for time to discuss the plea with the Government and defendant, to conduct  
15 her own investigation, taking into account the exercise of due diligence.

16 f) The government does not object to the continuance.

17 g) Based on the above-stated findings, the ends of justice served by continuing the  
18 case as requested outweigh the interest of the public and the defendants in a trial within the  
19 original date prescribed by the Speedy Trial Act.

20 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
21 et seq., within which trial must commence, the time period of June 11, 2025 to October 8, 2025,  
22 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results  
23 from a continuance granted by the Court at defendants' request on the basis of the Court's  
24 finding that the ends of justice served by taking such action outweigh the best interest of the  
25 public and the defendant in a speedy trial.

26 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
27 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
28 must commence.

1 IT IS SO STIPULATED.

2  
3 Dated: June 4, 2025

MICHELE BECKWITH  
Acting United States Attorney

4 /s/ ARIN C. HEINZ  
5 ARIN C. HEINZ  
Assistant United States Attorney

6  
7 Dated: June 4, 2025

8 /s/ BARBARA O'NEILL  
BARBARA O'NEILL  
Counsel for Defendant

9  
10 **ORDER**

11 The request for a continuance is GRANTED in PART and DENIED in PART. IT IS SO  
12 ORDERED that the status conference is continued from June 11, 2025 to **September 10, 2025 at 1:00**  
13 **p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to  
14 18 U.S.C. § 3161(h)(7)(A), B(iv).

15  
16 IT IS SO ORDERED.

17 Dated: **June 9, 2025**

18 /s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE